

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RICHARD M. METZLER	§	
	§	
v.	§	CIVIL ACTION NO. 4:13cv278
	§	(Judge Clark/Judge Mazzant)
XPO LOGISTICS, INC. and	§	
BRADLEY S. JACOBS	§	

ORDER AND ADVISORY

Before the Court is the above styled and numbered case. The Court has received Defendant XPO Logistics, Inc.'s Notice of Removal (Dkt. #1) and therefore enters the following Order and Advisory.

The Federal Rules of Civil Procedure do not require parties to replead following removal. Fed. R. Civ. P. 81(c)(2). However, the parties should note the different pleading standards in state and federal court. In particular, Federal Rule of Civil Procedure 8(b) mandates that a defending party admit or deny each allegation against it. Also, Federal Rule of Civil Procedure 9 sets forth heightened pleading requirements for certain matters.

In the interest of efficient management of its docket, the Court ORDERS the parties to replead as necessary to comply with the Federal Rules of Civil Procedure and the Court's Local Rules.¹ Plaintiff's amended complaint is due thirty (30) days from the date of this order. Defendants' amended answer is due twenty (20) days from receipt of the amended complaint. Any prior deadline for Defendant's answer shall be extended to the date set by this order.

The Court also directs the parties' attention to Local Rule CV-7. While the parties should

¹The Court's Local Rules are available through the Court's website, at <http://www.txed.uscourts.gov>.

be familiar with all the Federal and Local Court Rules, the Court points to this rule specifically as it renders moot all motions urged prior to removal. Accordingly, the Court will only consider motions reurged in this Court.

In the event that Plaintiff files a timely motion for remand, the deadlines set forth in this order are suspended pending resolution of the motion. If the Court denies the motion to remand, Plaintiff's amended complaint will be due 30 days from the date the order is signed.

It is SO ORDERED.

Signed on the day

May 20, 2013


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE